

REMARKS

Claims 1-17 are pending in the application. In the Final Office Action of November 4, 2004, the Examiner made the following disposition:

- A.) Rejected claims 1-17 under 35 U.S.C. §112, first paragraph.
- B.) Rejected claims 15-17 under 35 U.S.C. §112, second paragraph.
- C.) Rejected claims 1-6, 8 and 11-16 under 35 U.S.C. §102(b) as being allegedly anticipated by *Blecher*.
- D.) Rejected claims 1-4, 12-15 and 17 under 35 U.S.C. §102(b) as being allegedly anticipated by *Rosenblatt*.
- E.) Rejected claims 1-3, 5, 6, 11-13 and 15-17 under 35 U.S.C. §102(b) as being allegedly anticipated by *Levy et al.*
- F.) Rejected claims 1-3, 5-7, 9, 12-15 and 17 under 35 U.S.C. 102(b) as being allegedly anticipated by *Chang*.
- G.) Rejected claims 1, 3, 5, 6, 11 and 12 under 35 U.S.C. §102(b) as being allegedly anticipated by *Mayer*.
- H.) Rejected claims 1, 4-6 and 12 under 35 U.S.C. §102(b) as being allegedly anticipated by *Grady*.
- I.) Rejected claims 1, 4-6 and 11-17 under 35 U.S.C. §102(b) as being allegedly anticipated by *Cambio Jr.*
- J.) Rejected claims 1-17 under 35 U.S.C. §103(a) as being allegedly upatentable over *Schiemann* in view of *Grady* and *Cambio Jr.*

Applicant respectfully traverses the rejections and addresses the Examiner's disposition below.

A.) Rejection of claims 1-17 under 35 U.S.C. §112, first paragraph:

Applicant respectfully disagrees with the rejection.

Although Applicant respectfully disagrees with the rejection, without acceding to the rejection, Applicant has amended claims 1 and 15 to clarify the description of the geometry of the second container portion, and to attempt to better describe the uniqueness of the claimed container compared to the cited references.

Applicant submits that the rejection has been overcome and requests that it be withdrawn.

Claims 2-11, 13, 14 and 16 depend directly or indirectly from claim 1 or 15 and are therefore allowable for at least the same reasons that claims 1 and 15 are allowable.

Claims 12 and 17 have been canceled.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

B.) Rejection of claims 15-17 under 35 U.S.C. §112, second paragraph:

Claim 15 has been amended as per the Examiner's request to overcome the rejection.

Claim 17 depends directly or indirectly from claim 15 and is therefore allowable for at least the same reasons that claim 15 is allowable.

Claim 16 has been canceled.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

C.) Rejection of claims 1-6, 8 and 11-16 under 35 U.S.C. §102(b) as being allegedly anticipated by *Blecher*:

Applicant respectfully disagrees with the rejection.

Applicant's independent claim 1, as amended, claims a container comprising a first container portion having a wall defining an interior and an exterior of the first container portion, and a second container portion having a wall defining an interior and an exterior of the second container portion. The wall of the second container portion defines a side wall of the second container portion that terminates at a top of the second container portion such that an opening at the top of the second container portion has a width that is as wide as a largest interior width of the second container portion. (An illustrative example of the second container portion 28 is illustratively depicted in Figure 3). The exterior of the second container portion is spaced apart from the exterior of the first container portion via a connecting portion. The exterior of the second container portion is fixedly connected to the exterior of the first container portion solely along a length of a single side of the exterior of the second container portion facing the exterior of the first container portion by the connecting portion. The first container portion, second container portion and connecting portion are co-molded as an integral single piece. The first and second container portions have no passageway therebetween.

Applicant's independent claim 15, as amended, claims a method of forming a container, the method comprising the steps of: co-molding, as an integral single piece, a wall defining an interior and an exterior of a first container portion, a wall defining an interior and an exterior of a second container portion, the wall of the second container portion defining a side wall of the second container that terminates at a top of the second container portion such that an opening at

the top of the second container portion has a width that is as wide as a largest interior width of the second container portion, and a connecting portion integral to and spacing apart the exteriors of the first container portion and the second container portion. The exterior of the second container portion is fixedly connected to the exterior of the first container portion solely along a length of a single side of the exterior of the second container portion facing the exterior of the first container portion by the connecting portion. The first and second container portions have no passageway therebetween.

This is clearly unlike *Blecher*, which fails to disclose or even suggest a second container portion that is fixedly connected to a first container portion solely along a length of a single side of the second container portion by a connecting portion. Referring to *Blecher* Figure 1, *Blecher* discloses an apparatus 10 connected to a two-piece closure member 24 via a “flexible strap type of hinge 22.” (*Blecher* 3:19-20)(emphasis added). Since the strap hinge 22 is flexible, the closure member 24 can be secured to the top of the apparatus 10 to seal the top of the apparatus 10 (Figure 2), and the closure member 24 can be removed from the top of the apparatus 10 (Figure 1). Thus, unlike claims 1 and 15, *Blecher's* closure member 24 is not *fixedly* connected to *Blecher's* apparatus 10, because *Blecher's* strap hinge 22 is flexible to allow the closure member 24 to be purposefully *movable*. For at least this reason, *Blecher* fails to anticipate claims 1 and 15.

Further, unlike claims 1 and 15, *Blecher's* closure member 24 is not connected to *Blecher's* apparatus 10 along a length of a single side of *Blecher's* closure member 24 by *Blecher's* strap hinge 22. Instead, *Blecher's* strap hinge 22 merely connects to a *Blecher's* closure member 24 at a point on the top of the closure member 24, not along a length thereof. For at least this additional reason, *Blecher* fails to disclose or even suggest claims 1 and 15.

Claims 2-11, 13, 14 and 16 depend directly or indirectly from claim 1 or 15 and are therefore allowable for at least the same reasons that claims 1 and 15 are allowable.

Claims 12 and 17 have been canceled.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

D.) Rejection of claims 1-4, 12-15 and 17 under 35 U.S.C. §102(b) as being allegedly anticipated by *Rosenblatt*:

Applicant respectfully disagrees with the rejection.

Applicant's independent claims 1 and 15 are described above.

Rosenblatt clearly fails to disclose or even suggest claims 1 and 15, since *Rosenblatt* clearly fails to teach an opening at the top of its second container portion, and clearly fails to teach the exterior of a second container portion that is fixedly connected to the exterior of its first container portion solely along a length of a single side of the second container portion by a connecting portion.

Referring to *Rozenblatt* Figures 2 and 4, the Examiner appears to interpret a slice of the far left side of cylinder 12 as a “first container portion” and a slice of the far left side of cylinder 12 as a “second container portion.” As shown in these Figures, *Rozenblatt*’s second container portion, as interpreted by the Examiner, clearly fails to include an opening at its top. Therefore, for at least this reason, *Rozenblatt* fails to anticipate claims 1 and 15.

Further, both of *Rozenblatt*’s first and second container portions, as interpreted by the Examiner, are connected at two sides to one another via the remainder of the sidewall of cylinder 12. Thus, for at least this additional reason, *Rozenblatt* fails to anticipate claims 1 and 15.

Referring to *Rosenblatt* Figures 8-11, in those embodiments, *Rosenblatt* teaches two enclosures 70 and 74 that are held together by a rubber band 86. There is no connecting portion between the two enclosures 70 and 74. Further, the two enclosures 70 and 74 are not spaced apart by a connecting portion. Instead, the two enclosures 70 and 74 contact each other. Thus, the embodiments represented by *Rosenblatt* Figures 8-11 also fail to disclose or suggest claims 1 and 15.

Claims 2-11, 13, 14 and 16 depend directly or indirectly from claim 1 or 15 and are therefore allowable for at least the same reasons that claims 1 and 15 are allowable.

Claims 12 and 17 have been canceled.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

E.) Rejection of claims 1-3, 5, 6, 11-13 and 15-17 under 35 U.S.C. §102(b) as being allegedly anticipated by *Levy et al.*:

Applicant respectfully disagrees with the rejection.

Applicant's independent claims 1 and 15 are described above.

Levy clearly fails to disclose or even suggest claims 1 and 15, since *Levy* clearly fails to teach an exterior of a second container portion that is fixedly connected to the exterior of a first container portion solely along a length of a single side of the exterior of the second container portion that faces the exterior of the first container portion by a connecting portion. Referring to

Levy Figure 2, *Levy* discloses a double-ended perfume bottle in which an inner container portion S2 is located inside of an outer container portion S1. Thus, unlike claims 1 and 15, an exterior of *Levy's* inner container portion S2 is not spaced apart from a facing exterior of *Levy's* outer container portion S1 via a connecting portion. Instead, an exterior of *Levy's* inner container portion S2 is integrally formed to an interior wall of *Levy's* output container portion S1. For at least this reason, *Levy* fails to disclose or suggest claims 1 and 15.

Claims 2-11, 13, 14 and 16 depend directly or indirectly from claim 1 or 15 and are therefore allowable for at least the same reasons that claims 1 and 15 are allowable.

Claims 12 and 17 have been canceled.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

F.) Rejection of claims 1-3, 5-7, 9, 12-15 and 17 under 35 U.S.C. 102(b) as being allegedly anticipated by *Chang*:

Applicant respectfully disagrees with the rejection.

Applicant's independent claims 1 and 15 are described above.

Chang clearly fails to disclose or even suggest claims 1 and 15, since *Chang* clearly fails to teach an exterior of a second container portion that is fixedly connected to the exterior of a first container portion solely along a length of a single side of the exterior of the second container portion that faces the exterior of the first container portion by a connecting portion. In Figures 1 and 2, *Chang* discloses two container portions, but their exteriors do not face one another with an intervening connecting portion that spaces apart the exteriors of the container portions. Accordingly, those embodiments fail to even suggest claims 1 and 15.

Referring to *Chang* Figures 3-6, in those embodiments, *Chang* teaches two separate enclosures that can be fitted together. Thus, unlike claims 1 and 15, *Chang's* separate enclosures are not co-molded as an integral single piece. For at least this additional reason, the embodiments of *Chang* Figures 3-6 fail to disclose or even suggest claims 1 and 15.

Claims 2-11, 13, 14 and 16 depend directly or indirectly from claim 1 or 15 and are therefore allowable for at least the same reasons that claims 1 and 15 are allowable.

Claims 12 and 17 have been canceled.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

G.) Rejection of claims 1, 3, 5, 6, 11 and 12 under 35 U.S.C. §102(b) as being allegedly anticipated by Mayer:

Applicant respectfully disagrees with the rejection.

Applicant's independent claim 1 is described above.

Mayer clearly fails to disclose or even suggest claim 1, since *Mayer* clearly fails to teach an exterior of a second container portion that is fixedly connected to the exterior of a first container portion solely along a length of a single side of the exterior of the second container portion that faces the exterior of the first container portion by a connecting portion. In Figure 5, *Mayer* discloses two container portions, but their exteriors do not face one another with an intervening connecting portion that spaces apart the exteriors of the container portions. Accordingly, *Mayer* fail to even suggest claim 1.

Claims 3, 5, 6, and 11 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Claims 12 has been canceled.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

H.) Rejection of claims 1, 4-6 and 12 under 35 U.S.C. §102(b) as being allegedly anticipated by Grady:

Applicant respectfully disagrees with the rejection.

Applicant's independent claim 1 is described above.

Grady clearly fails to disclose or even suggest claim 1, since *Grady* clearly fails to teach an exterior of a second container portion that is fixedly connected to the exterior of a first container portion solely along a length of a single side of the exterior of the second container portion that faces the exterior of the first container portion by a connecting portion. In Figure 2, *Grady* discloses two container portions, but their exteriors do not face one another with an intervening connecting portion that spaces apart the exteriors of the container portions. Accordingly, *Grady* fail to even suggest claim 1.

Claims 4-6 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Claim 12 has been canceled.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

I.) Rejection of claims 1, 4-6 and 11-17 under 35 U.S.C. §102(b) as being allegedly anticipated by *Cambio Jr.*:

Applicant respectfully disagrees with the rejection.

Applicant's independent claims 1 and 15 are described above.

Cambio clearly fails to disclose or even suggest claims 1 and 15, since *Cambio* clearly fails to teach first and second container portions that have no passageway therebetween. Referring to *Cambio* Figures 6 and 7, *Cambio* discloses a conduit 12 that is attached at its sidewall to a sidewall of a body 15 via a connecting portion. As clearly shown in Figure 2, 3, 4, 6, and 7 *Cambio*'s connecting portion has passageways therethrough to allow a liquid to pass from the conduit 12 to the body 15. Therefore, for at least these reasons, *Cambio* fails to disclose or even suggest claims 1 and 15.

Claims 2-11, 13, 14 and 16 depend directly or indirectly from claim 1 or 15 and are therefore allowable for at least the same reasons that claims 1 and 15 are allowable.

Claims 12 and 17 have been canceled.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

J.) Rejection of claims 1-17 under 35 U.S.C. §103(a) as being allegedly unpatentable over *Schiemann* in view of *Grady* and *Cambio Jr.*:

Applicant respectfully disagrees with the rejection.

Applicant's independent claims 1 and 15 are described above.

Schiemann teaches two cans 12 and 13 that each have a shoulder and a threaded neck. The cans 12 and 13 are clearly described as having necks so that liquids can be poured out from the cans. (Col. 3, line 3-5). On the other hand, *Grady* teaches a container that has an integrally formed scabbard 114. As shown in *Grady* Figure 1, the scabbard has no shoulder or neck, so that the scabbard 114 can accommodate a tool (holding member) 114, not a liquid.

Therefore, Applicant respectfully submits that one having skill in the art would not have been motivated to replace *Schiemann*'s second can 13, which is configured to hold liquids, with *Grady*'s scabbard, which is configured to hold a tool. The objectives of the cited references are unrelated. Namely, *Schiemann* provides a device to hold liquids and *Grady* provides a device to hold a tool. There is no suggestion in either cited reference to replace *Schiemann*'s second can 13 with a scabbard, such as *Grady*'s scabbard 114.

Thus, *Schiemann* in view of *Grady* fails to disclose or suggest claims 1 and 15.

Schiemann in view of *Grady* and *Cambio* still fails to disclose or suggest claims 1 and 15. As clearly stated in *Cambio*, *Cambio* teaches a body 15 and a conduit 12 that are connected via passageways to allow liquids to pass therebetween. Thus, unlike *Shiemann* that teaches two distinct cans that hold separate liquids, *Cambio* purposefully passes liquids between its body 15 and conduit 12. Further, unlike *Grady* that relates to a container for holding a liquid and a scabbard for holding a tool, *Cambio* relates to a body 15 and a conduit 12 that are connected via passageways to allow liquids to pass therebetween. Thus, Applicant respectfully submits that one having skill in the art would not have been motivated to combine *Cambio* with either *Shiemann* or *Grady*. Therefore, *Schiemann* in view of *Grady* and *Cambio* still fails to disclose or suggest claims 1 and 15.

Claims 2-11, 13, 14 and 16 depend directly or indirectly from claim 1 or 15 and are therefore allowable for at least the same reasons that claims 1 and 15 are allowable.


Claims 12 and 17 have been canceled.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claim 1-11 and 13-16 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

 (Reg. No. 45,034)
Christopher P. Rauch
SONNENSCHN, NATH & ROSENTHAL LLP
P.O. Box #061080
Wacker Drive Station - Sears Tower
Chicago, IL 60606-1080
Telephone 312/876-2606
Customer #26263
Attorneys for Applicant(s)

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Christopher P. Rauch (Reg. No. 45,034)
Christopher P. Rauch